

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

UNITED STATES OF AMERICA, )  
 )  
 )  
 )  
vs. ) CRIMINAL ACTION 09-00092-KD  
 )  
 )  
ALBERT DEWAYNE MORRIS, )  
 )  
 )  
Defendant. )

**ORDER**

This action is before the Court on defendant Albert Dewayne Morris' motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) and 18 U.S.C. § 3553(a). Upon consideration and for the reasons set forth herein, his motion is **DENIED**.

Morris moves the Court to consider the disparity between sentencing for cocaine base and cocaine, schedule a resentencing hearing, and impose a sentence in accord with the "upcoming" 1 to 1 ratio for cocaine and cocaine base. Morris brings his motion pursuant to § 3582(c)(2).

However, § 3582(c)(2) does not apply to Morris' case. The section provides that the "court may not modify a term of imprisonment once it has been imposed except that" . . . "in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission . . . the court may reduce the term of imprisonment . . . ". Morris' sentencing range has not been lowered by the Sentencing Commission. Thus, he was not "sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission".

**DONE** and **ORDERED** this the 16th day of June, 2010.

/s / Kristi K. DuBose  
KRISTI K. DUBOSE  
UNITED STATES DISTRICT JUDGE